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1501 K STREET, N.W.
WASHINGTON, D.C. 20005
TELEPHONE 202 736 8000
FACSIMILE 202 736 8711
www.sidley.com
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JUL - 8 2005

Federal Communications Commission
Office of Secretary

WRITER'S DIRECT NUMBER
(202) 736-8468

WRITER'S E-MAIL ADDRESS
awallgren@sidley.com

July 8, 2005

Ex Parte Notice

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Carriage of Digital Television Broadcast Signals, CS Docket No. 98-120 (also CS Docket Nos. 00-96 and 00-2.)

Dear Ms. Dortch,

On July 7, 2005, Jerry Fritz of Allbritton Communications, Marsha MacBride of the National Association of Broadcasters, and the undersigned, had separate meetings with Commissioner Adelstein and his Legal Advisor, Rudy Brioché, with Commissioner Abernathy and her Legal Advisor, Lauren "Pete" Belvin, and with Commissioner Copps and his Legal Advisor, Jordan Goldstein to discuss the above captioned proceeding.

We expressed support for an action by the Commission that would permit broadcasters to elect "must carry" for cable carriage of either the digital or analog signal in the next must carry election deadline of October 1, 2005. Such an option would advance the DTV transition because it would likely result in cable carriage of more digital broadcast signals. At the same time, the option would not constitute a "*de facto* dual must carry" obligation. First, it is incorrect to assume that all broadcasters would elect must carry for the digital signal. Market considerations such as digital cable penetration, and technical and economic factors may cause some broadcasters to elect analog must carry. Moreover, many stations currently work with cable systems to enter into mutually satisfactory retransmission consent agreements for carriage of their digital and/or analog signals, and are likely to continue to do so. In any event, as we understand the proposal, the cable operator would be able to choose not to carry the analog signal of any station in the local market that elects must carry for its digital signal – a right that cannot properly be characterized as an obligation.

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This report is filed in accordance with Section 1.1206(b)(2) of the Commission's rules.
Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anita Wallgren".

Anita L. Wallgren

cc : Commissioner Abernathy
Commissioner Copps
Commissioner Adelstein
Lauren "Pete" Belvin
Jordan Goldstein
Rudy Brioché